

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ENOCH S. DOYLE,

Plaintiff,

v.

BUCKINGHAM STATION, LLC, et al.,

Defendants.

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Civil Action No. **3:10-CV-2371-L**

ORDER

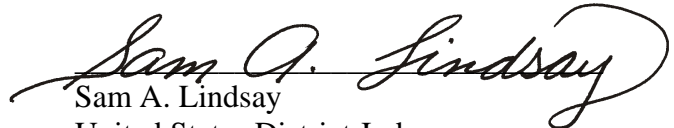
Plaintiff Enoch S. Doyle (“Plaintiff”), proceeding *pro se*, filed his complaint in this action pursuant to the accessibility provisions of the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101, *et seq.*, on November 19, 2010. The case was referred to United States Magistrate Judge Jeff Kaplan pursuant to Special Order 3-251 and the provisions of 28 U.S.C. § 636(b). On January 12, 2011, the magistrate judge filed Findings and Recommendation of the United States Magistrate Judge (“Report”). Plaintiff filed no objections to the Report.

The magistrate judge recommends that the court dismiss this action without prejudice for Plaintiff’s failure to comply with a court under pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. To date, Plaintiff has not responded to two separate mailings of interrogatories concerning the factual basis of his suit. With each mailing, Plaintiff was warned that failing to answer such interrogatories could result in the dismissal of his complaint. Because Plaintiff has failed to answer these interrogatories, the magistrate judges concludes, and the court agrees, that dismissal of this case is appropriate.

Having reviewed the filings, record, applicable law, and Report in this case, the court **determines** that the magistrate judge’s findings and conclusions are correct. They are therefore

accepted as those of the court. Accordingly, the court **dismisses without prejudice** this action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to comply with a court order. A judgment will issue by separate document pursuant to Rule 58 of the Federal Rules of Civil Procedure.

It is so ordered this 28th day of January, 2011.


Sam A. Lindsay
United States District Judge